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DATE: March 15, 2002

FILE NO.: 41822.2

TO: Jim Boyle

FROM: Glen E. Schumann

COMPANY: Finnegan, Henderson et al. DIRECT DIAL NO.: 612-347-0282

FACSIMILE NUMBER: 202-408-4400

TELEPHONE NUMBER: 202-408-4000

COMMENTS:

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March 15, 2002

**VIA FACSIMILE**

**Mr. Jim Boyle**  
 Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.  
 1300 I Street, NW  
 Washington, DC 20005

**Re: Assignment and Declaration and Power of Attorney  
 Our File No. 41822.2**

Dear Jim:

Attached you will find copies of the Declaration and Power of Attorney and the Assignment which we promised to have executed and forwarded to you. The originals will be sent to you today via mail.

With respect to the prior art disclosure, Mr. Ekhaus does plan on submitting one; however, it obviously will take a little time for him to pull this together. To that end, please keep us advised as to any critical dates.

Thank you.

Sincerely,

Glen E. Schumann

GES/cag

Enclosures

cc: Michael Ekhaus  
 Bill Cumming

493531/1

JOINT INVENTION  
(Worldwide Rights)  
Attorney Docket No. 7744 0061

## ASSIGNMENT

As used herein, the term "invention," consistent with 35 U.S.C. § 100(a) and the use of the term "invention" in the below-identified application, is not intended by the below signing inventor(s) to be a representation as to the patentability or validity of any claim, pending or issued associated with the below-identified application, or associated with any divisional, continuation, or reissue applications derived therefrom. The below signing inventor(s) believe that any decision as to the patentability or enforceability of any claim, pending or issued associated with the below-identified application, or associated with any divisional, continuation, or reissue applications derived therefrom in the United States rests with the United States Patent and Trademark Office, or any body or court of competent jurisdiction.

WHEREAS, I, the below named individuals, hereinafter referred to as the inventors or Assignors, have made what could be an invention entitled:

### METHOD AND SYSTEM FOR HIGH PERFORMANCE MODEL-BASED PERSONALIZATION

for which I executed an application for United States Letters Patent concurrently herewith or filed an application for United States Letters Patent on June 25, 2001 (Serial No. 09/887,528); and

WHEREAS, Net Perceptions, Inc., a corporation of Minnesota whose post office address is 7700 France Avenue South, Edina, Minnesota 55435 (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to this "invention" in all countries throughout the world, and in and to the application for United States Letters Patent on this "invention" and the Letters Patent to be issued upon this application,

NOW, THEREFORE, be it known that for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other good and valuable consideration, the receipt of which from Assignee is hereby acknowledged, I, as Assignor(s), have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the Assignee, its lawful successors and assigns, my entire right, title, and interest in and to this "invention", to the extent such rights exist, together with provisional application Serial No. 60/213,528, filed June 23, 2000 (if any), and this application, and all divisions and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof, and all rights to claim priority on the basis of the above provisional application (if any), as well as all rights to claim priority on the basis of this application, and all applications for Letters Patent which may hereafter be filed for this "invention" in any foreign country and all Letters Patent which may be granted on this invention in any foreign country, and all extensions, renewals, and reissues thereof; and I hereby consent to the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for this "invention" to Assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I HEREBY covenant that I have the full right to convey any interest I may have in and to any invention that may be assigned by this Assignment, and I have not executed any agreement in conflict with this Assignment;

IN TESTIMONY WHEREOF, I have hereunto set my hand.

  
Michael A. Ekhaus

SOLE/Joint Invention  
 (Worldwide Rights)  
 Attorney Docket No. 7744.0061

County of Hennepin)  
 State of Minnesota) ss.

Subscribed and sworn to before me this 15th  
 day of March, 2002.

Glen E Schumann  
 Notary Public

County of \_\_\_\_\_ )  
 State of \_\_\_\_\_ ) ss.

Subscribed and sworn to before me this \_\_\_\_\_  
 day of \_\_\_\_\_, 2002.

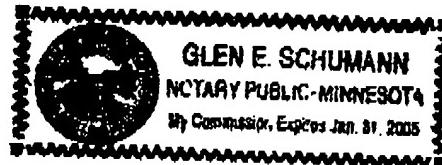
Notary Public

County of \_\_\_\_\_ )  
 State of \_\_\_\_\_ ) ss.

Subscribed and sworn to before me this \_\_\_\_\_  
 day of \_\_\_\_\_, 2002.

Notary Public

Name: Michael A. Ekhaus  
 Address: 315 Washington Avenue  
Hopkins, MN 55343  
 By: \_\_\_\_\_  
 Date: 3/15/02



Name: Robert Driskill  
 Address: 5890 - 66th Lane North  
Greenfield, MN 55357  
 By: \_\_\_\_\_  
 Date: \_\_\_\_\_

Name: Filip Mulier  
 Address: 3774 Thomas Court  
Vadnais Heights, MN 55127  
 By: \_\_\_\_\_  
 Date: \_\_\_\_\_

## DECLARATION AND POWER OF ATTORNEY

As used herein, the term "invention," consistent with 35 U.S.C. § 100(a) and the use of the term "invention" in the below-identified application, is not intended by the below signing inventor(s) to be a representation as to the patentability or validity of any claim, pending or issued associated with the below-identified application, or associated with any divisional, continuation, or reissue applications derived therefrom. The below signing inventor(s) believe that any decision as to the patentability or enforceability of any claim, pending or issued associated with the below-identified application, or associated with any divisional, continuation, or reissue applications derived therefrom in the United States rests with the United States Patent and Trademark Office, or any body or court of competent jurisdiction.

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe I am, to the extent any invention exists, a joint inventor (if plural names are listed below) of the subject matter for which a patent is sought on the invention entitled: METHOD AND SYSTEM FOR HIGH PERFORMANCE MODEL-BASED PERSONALIZATION the specification of which  is attached and/or  was filed on June 25, 2001 as United States Application Serial No 09/887,528 or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

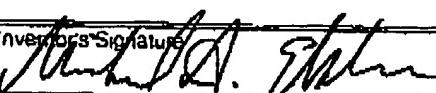
Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

United States Application Serial No. 09/887,528 is preceded and benefited under 35 U.S.C. § 119(e) by the provisional application(s) listed below.

Application Number	Date of Filing
60/213,528	June 23, 2000

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER NUMBER 22,852, Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvoold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hester, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zoller, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bayefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Wnland, Reg. No. 27,605; Basil J. Lewns, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Grifien, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Chen M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Jensen, Reg. No. 28,224; Lon Ann Johnson, Reg. No. 34,498; and David A. Mansperizer, Reg. No. 37,540 and [Text]. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005, Telephone No. (202) 408-4000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First Inventor Michael A. Ekhaus	Inventor's Signature 	Date March 15, 2002
Residence 315 Washington Avenue, Hopkins, MN 55343		Citizenship U.S.A.
Post Office Address 315 Washington Avenue, Hopkins, MN 55343		
Full Name of Second Inventor Robert Driskill	Inventor's Signature	Date
Residence 5890 66 <sup>th</sup> Lane North, Greenfield, MN 55357		Citizenship U.S.A.
Post Office Address 5890 66 <sup>th</sup> Lane North, Greenfield, MN 55357		

Mar-15-02 11:34am From-MOSS & SURNETT

+4800

T-166 P.06/06 F-704

Full Name of Third Inventor Filip Mulier	Inventor's Signature	Date
Residence 3774 Thomas Court, Vadnais Heights, MN 55127		Citizenship U.S A
Post Office Address: 3774 Thomas Court, Vadnais Heights, MN 55127		

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

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September 27, 2001

Mr. Robert Driskill  
5890 66<sup>th</sup> Lane North  
Greenfield, MN 55357

VIA FEDERAL EXPRESS

U.S. Patent Application  
Serial No. 09/887,528  
Inventors: Michael A. EKHAUS et al.  
For: METHOD AND SYSTEM FOR HIGH  
PERFORMANCE MODEL-BASED  
PERSONALIZATION  
Our Reference: 07744.0061-00000

Dear Mr. Driskill:

We have received a Notice to File Missing Parts from the U.S. Patent and Trademark Office. A response is due on October 16, 2001.

We have enclosed a Declaration and Assignment for you to execute regarding the above-captioned application. We have also enclosed copies of the application as filed for you to refer to if necessary.

Please sign and date the Declaration and Assignment, where checked in pencil, and return in the enclosed Federal Express envelope. Note, in particular, that the Assignment must be notarized.

If you have any questions, please contact me.

With best regards.

Sincerely,



James J. Boyle

JJB/bad  
Enclosures